

United States Court of Appeals
Fifth Circuit

FILED

UNITED STATES COURT OF APPEALS September 20, 2007

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 05-10265

D.C. Docket No. 3:01-CV-2247-N

ALLSTATE INSURANCE CO; ET AL

Plaintiffs

ALLSTATE INSURANCE CO; ALLSTATE INDEMNITY CO; ALLSTATE
PROPERTY & CASUALTY INSURANCE CO; BOSTON OLD COLONY
INSURANCE CO; GLENS FALLS INSURANCE CO

Plaintiffs - Appellees

v.

RECEIVABLE FINANCE COMPANY LLC; ET AL

Defendants

ACCIDENT & INJURY PAIN CENTERS INC, doing business as Accident & Injury Chiropractic; RECEIVABLE FINANCE COMPANY LLC; ROBERT SMITH; LONE STAR RADIOLOGY MANAGEMENT LLC; WHITE ROCK OPEN AIR MRI LLC, doing business as White Rock Open MRI; NORTH TEXAS OPEN AIR MRI LLC, doing business as North Texas Open MRI, doing business as Harris County MRI, doing business as Bexar County MRI; REHAB 2112 LLC; METROPLEX PAIN CENTER INC, doing business as Lone Star Radiology; LACIDEM MANAGEMENT; STEVEN SMITH; TINA CHESHIRE; JAMES LAUGHLIN, DO; DEE L MARTINEZ, MD; THOMAS RHUDY, DC; LOUIS SAUCEDO, DC; KENNETH LUSTIK, DC; MARK RAYSELL, DC; LARRY PARENT, DC; CHRISTOPHER HOLOWISKI, DC; CAREY FABACHER, DC; PATRICIA JOHNSON, DC; GHOLAMREZA ASSADOLAH, DC; KYLE CAMPBELL, DC; CHAD BLACKMON, DC; RAMESH SANGHANI, DC; MARLON D PADILLA, MD PA; MARLON PADILLA, MD

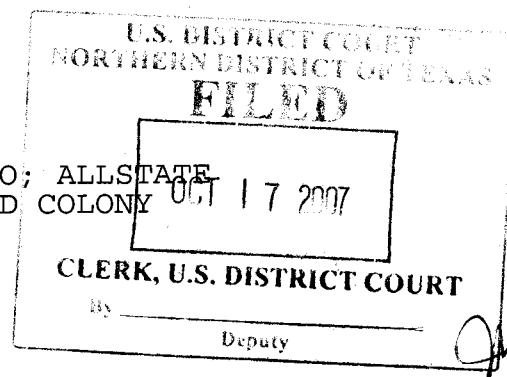
Defendants - Appellants

Appeals from the United States District Court for the
Northern District of Texas, Dallas.

Before GARWOOD, DENNIS, and OWEN, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.



It is ordered and adjudged that the judgment of the District Court is reversed and judgment is rendered in favor of the defendants-appellants.

IT IS FURTHER ORDERED that plaintiffs-appellees pay to defendants-appellants the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE: OCT 12 2007

A True Copy
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: Mina B. Martin
Deputy

OCT 12 2007

New Orleans, Louisiana

United States Court of Appeals

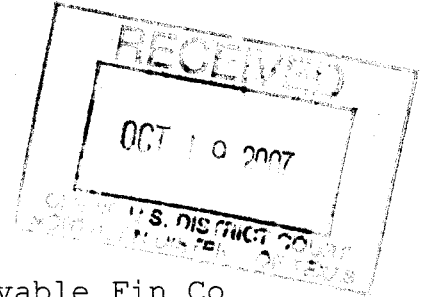
FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

October 12, 2007

Ms Karen S Mitchell, Clerk
Northern District of Texas, Dallas
United States District Court
Room 1452
1100 Commerce Street
Dallas, TX 75242



No. 05-10265 Allstate Ins Co v. Receivable Fin Co
USDC No. 3:01-CV-2247-N

Enclosed, for the district court only, is a certified copy of the judgment issued as the mandate.

Enclosed, for the district court only, is a copy of the court's opinion.

Record/original papers/exhibits to be returned.

Enclosed for the district court and counsel is the approved bill of costs.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

Gina Randazzo Martin

By:

Gina Randazzo Martin, Deputy Clerk
504-310-7687

cc: w/encl:

Honorable David C Godbey
Mr P Michael Jung
Mr Bret Weatherford
Mr Charles T Frazier Jr
Mr Richard Keys Disney
Mr Richard E Young
Mr Mark David Downey

P.S. to Judge Godbey: A copy of the opinion was sent to your office via email the day it was filed.

MDT-1

United States Court of Appeals

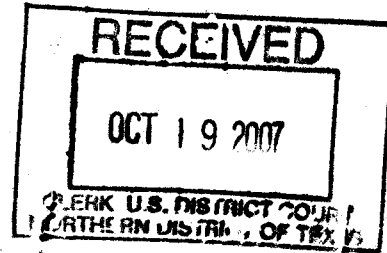
FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

October 16, 2007

Ms Karen S Mitchell, Clerk
Northern District of Texas, Dallas
United States District Court
Room 1452
1100 Commerce Street
Dallas, TX 75242



No. 05-10265 Allstate Ins Co v. Receivable Fin Co
USDC No. 3:01-CV-2247-N

The following are returned:

Supplemental Record, (18) Vols.

Original Exhibits, (6) Boxes (1) Env.
() Package () Roll

The electronic copy of the record has been recycled.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

Gina Rancazzo Martin

By:

Gina Rancazzo Martin, Deputy Clerk
504-310-687

REC-3

19 tr
12 sealed
8 brown
2 exhibit +
CDs